

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIK KHAN,

Plaintiff,

v.

No. 15-cv-1151 MV/SMV

**CHRIS BARELA, BOARD OF COUNTY
COMMISSIONERS OF DOÑA ANA COUNTY,
ARAMARK CORPORATION,
BILL STICKLES, and DAVID BEAM,**

Defendants.¹

ORDER ON MOTION TO VACATE ADR ORDER

THIS MATTER is before the Court on Plaintiff's Notice of Pending Resolution and Motion to Vacate ADR Order (the "Motion"), filed on January 31, 2022. [Doc. 162]. Plaintiff reports that he "and the remaining parties [Defendants Chris Barela and the Board of County Commissioners of Doña Ana County] have entered into a preliminary settlement agreement." *Id.* He asks the Court to vacate its order contemplating the setting of a settlement conference. *Id.* (referring to the settlement-conference order as an "ADR Order"). The Court, having considered the Motion and the record, and being otherwise fully advised in the premises, finds that the motion is well-taken. The Motion will be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Notice of Pending Resolution and Motion to Vacate ADR Order [Doc. 162] is **GRANTED**.

¹ This caption reflects the Defendants listed in the Third Amended Complaint, except that Plaintiff substituted Defendant David Beam for the John Doe Defendant on June 24, 2020. [Docs. 100, 109]. Moreover, Defendants Bill Stickles and David Beam were dismissed as parties on November 6, 2020. [Doc. 133], and Defendant Aramark was dismissed as a party on December 9, 2021. [Doc. 160].

IT IS FURTHER ORDERED that the Court's order for a settlement conference [Doc. 156] is **VACATED** without prejudice to the parties filing a renewed motion for a settlement conference if they choose.

IT IS FURTHER ORDERED that briefing on the *Martinez* Reports [Docs. 154, 155] remains **STAYED** pending further order of this Court.

IT IS FURTHER ORDERED that the telephonic status conference set for February 9, 2022, at 11:30 a.m. MST is **VACATED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge